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September 2, 2020

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***BY ECF***

Hon. Ronnie Abrams  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Marcia Melendez, et al. v. The City of New York, et al.*,  
No. 20 Civ. 5301 (RA)**

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Dear Judge Abrams:

We represent Plaintiffs in the above-captioned action.

This evening, Plaintiffs filed an Amended Complaint as of right pursuant to Fed. R. Civ. P. 15(a)(1)(B), adding Plaintiffs Elias Bochner and 287 7th Avenue Realty LLC (the “Bochner Plaintiffs”) with respect to claims under the Contracts Clause of the U.S. Constitution (“Contracts Clause”). Plaintiffs Yang and Top East Realty LLC (the “Yang Plaintiffs”) will no longer prosecute their claims for an injunction under the Contract Clause. Given that they had been unable to collect rent from their current tenant, Home Décor Expo, for a commercial space at 4059 College Point Boulevard for over five months (*i.e.*, since March 2020), the Yang Plaintiffs were forced to settle their claims with that tenant so the business would vacate the premises. In doing so, the Yang Plaintiffs waived the back rent owed to them by their commercial tenant. While the Yang Plaintiffs suffered significant harm as a result of the City’s Guaranty Law, including the harm from the lost rent owed by Home Décor Expo, which they were unable to collect from the guarantor, they are no longer in a position to seek prospective, injunctive relief. Plaintiffs Yang and Haight Trade LLC will continue to prosecute their First Amendment claims for injunctive and declaratory relief.

The Bochner Plaintiffs’ Contract Clause claims are in all material respects the same as those brought by the Yang Plaintiffs and raise no new issues as to either Plaintiffs’ motion for preliminary injunctive and declaratory relief or Defendants’ motion to dismiss. Indeed, Defendants have been on notice of the facts related to the Bochner Plaintiffs based on Mr. Bochner’s declaration, which was filed on August 26, 2020, with Plaintiffs’ reply papers. *See* ECF 52. Accordingly, Plaintiffs respectfully submit that the addition of the Bochner Plaintiffs ought not to alter any of the matters in this case.

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For the Court's convenience, we have attached as Exhibit A a redline comparison of the Amended Complaint, *see* ECF 58, to the Complaint, *see* ECF 1.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Younger", with a stylized flourish at the end.

Stephen P. Younger

Enclosure

cc: Pamela Koplik, Esq.

Carlos Ugalde, Esq.